

FILED

Attorney or Party Name, Address Telephone & FAX Numbers, and California State Bar Number JEFFREY W. BROKER - State Bar No. 53226 BROKER & ASSOCIATES PROFESSIONAL CORPORATION 18191 Von Karman Avenue, Suite 470 Irvine, CA 92612-7114 (949) 222-2000	FOR COURT USE ONLY  04 JUL 22 AM 10:08 CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA  BY: <u>                    </u> DEPUTY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: JEFFREY BENNETT and NAN EISLEY-BENNETT,          Debtor(s).	CASE NO.: RS 03-26484-mg

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 8/17/04	Time: 10:30 a.m.
Location: United States Bankruptcy Court, 3420 Twelfth Street, Courtroom 302, Riverside, CA 92501	

Type of Sale: ☒ Public    ☐ Private    Last date to file objections: 8/3/04

Description of Property to be Sold: Condominium residence commonly known as 115 Tall Pines Drive, Breckenridge, CO 80424  
together with substantially all of its furnishings  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Terms and Conditions of Sale: All cash, closing date of August 20, 2004. See Motion for Order Authorizing Sale of  
Real Property for further details.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Sale Price: \$675,000.00

Overbid Procedure (If Any): See Motion for Order Authorizing Sale of Real Property and copy of Notice  
pertaining thereto attached which sets forth overbid procedure  
\_\_\_\_\_

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e-mail address):

✓  
JEFFREY W. BROKER, ESQ.  
BROKER & ASSOCIATES PROFESSIONAL CORPORATION  
18191 Von Karman Avenue, Suite 470  
Irvine, CA 92612-7114  
email: jbroker@balawcorp.com FAX (949) 222-2022

Date: 7/20/04

228

JEFFREY W. BROKER – State Bar No. 53226  
BROKER & ASSOCIATES PROFESSIONAL CORPORATION  
18191 Von Karman Avenue, Suite 470  
Irvine, CA 92612-7114  
Telephone: (949) 222-2000  
Facsimile: (949) 222-2022

General Reorganization Counsel for  
Debtors and Debtors-in Possession

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
RIVERSIDE DIVISION**

In re:	)	Case No. RS-03-26484 MG
	)	Chapter 11 Proceeding
JEFFREY BENNETT and	)	
NAN EISLEY-BENNETT,	)	<b>NOTICE TO CREDITORS AND PARTIES IN INTEREST OF</b>
	)	<b>DEBTORS' MOTION FOR ORDER AUTHORIZING :</b>
	)	<b>(1) SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS,</b>
	)	<b>CLAIMS AND INTERESTS, WITH LIENS TO ATTACH TO SALE</b>
Debtors and Debtors-in-Possession	)	<b>PROCEEDS; (2) OVERBID PROCEDURE; (3) DISTRIBUTION</b>
	)	<b>OF SALE PROCEEDS, INCLUDING PAYMENT OF SALES</b>
	)	<b>COMMISSIONS [BRECKENRIDGE PROPERTY]</b>
	)	
	)	DATE: August 17, 2004
	)	TIME: 10:30 a.m.
	)	CTRM: 301

TO THE OFFICE OF THE UNITED STATES TRUSTEE, ALL CREDITORS AND PARTIES IN INTEREST:

PLEASE TAKE NOTICE that Jeffrey Bennett and Nan Eisley-Bennett, the Debtors and Debtors-in-Possession in the within voluntary Chapter 11 case (the "Debtors"), hereby move that the Court authorize the sale of that certain improved real property consisting of a condominium residence commonly known as 115 Tall Pines Drive, Breckenridge, Colorado 80424 together with substantially all of its furnishings (the "Property"), legally described as follows:

**LOT 11B, UNIT 3, A RESUBDIVISION OF LOT 11B, OF THE PINES AT 4 O'CLOCK ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 29, 1997 UNDER RECEPTION NO. 532585, COUNTY OF SUMMIT, STATE OF COLORADO.**

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will take place on August 17, 2004 at 10:30 a.m. in Courtroom 301, United States Bankruptcy Court, located at 3420 Twelfth Street, Courtroom 301, Riverside, California 92501.

PLEASE TAKE FURTHER NOTICE that the Debtors will move that the sale of the Property be free and clear of liens, claims and interests of any third party or parties, and that the liens, claims and interests of any third party or parties attach to and be promptly paid from the proceeds of sale of the Property upon the close of escrow (after the payment of real estate sales commissions and closing costs) in the order of recorded and statutory priority.

This Motion is based upon the grounds that it is in the best interests of the estate and its creditors that the Property be sold in the fashion proposed since it will generate significant funds that will be used to reduce the claims of creditors in the case. The proposed buyers of the Property are The proposed buyers of the Property are Brian L. Lamke and Linda J. Lamke or Assigns (collectively "Buyers"). By way of summary, the purchase price for the Property is \$675,000.00, which will be paid at closing pursuant to an all cash transaction. Escrow has been opened at Lawyers Title Insurance Corp. dba Ten Mile Title located at 520 S. French Street, P.O. Box 5499, Breckenridge, CO 80424, Order No. 33593B04 ("Escrow"). Escrow is to close on August 20, 2004, 2004. \$10,000.00 has been deposited by Buyers into Escrow. Real estate brokerage commissions in the total amount of 6.0% are to be paid to Breckenridge Associates Real Estate, LLC and Real Estate of the Summit, Inc., and usual and customary closing costs are to be paid on the part of both the Debtors as sellers and the Buyers. There are inspection, appraisal and financing contingencies in connection with the transaction that are to be removed prior to the scheduled close of escrow. The inspection contingency is to be removed by no later than August 5, 2004. The appraisal contingency requires that the Property appraise at no less than the specified purchase price. The financing contingency is to remain in effect until August 16, 2004. A true and correct copy of the underlying contract for purchase of the Property is attached as Exhibit 1 to the Declaration of Jeffrey Bennett filed in support of the Motion (the "Bennett Declaration"). The Debtors reserve the right to present amendments to the contract to purchase the Property to the Court at the time of the hearing so long as such amendments do not materially alter the terms of the proposed sale.

PLEASE TAKE FURTHER NOTICE that the proposed sale will be subject to overbid at the time and place of the hearing on this Motion on the following terms and conditions:

(a) Only Qualified Bidders may submit an overbid. A "Qualified Bidder" is one who provides a financial statement and such business and banking references as are required in the Debtors' reasonable discretion sufficient to assure Debtors of the bidder's ability (based on availability of financing, experience or other conditions) to consummate the purchase of the Property, AND one who can consummate the purchase of the Property on the same terms and conditions, other than price, as those proposed in the purchase contract documents.

(b) Each bid must be received by the Debtors' counsel no later than three (3) business days prior to the hearing on this Motion.

(c) The initial overbid must exceed the purchase offer by a minimum of Ten Thousand U.S. dollars (\$10,000.00). Each subsequent bid must then be in increments of \$10,000.00 in overbid for the estate.

(d) Each bid must be all cash, non-contingent, and on the same terms and conditions, other than price, as those proposed in the purchase contract documents.

(e) Each bidder must make an "earnest money" deposit of at least \$40,000.00 PLUS the amount of the 'net' overbid. Said deposit must be received by the attorneys for the Debtor by no later than three (3) business days prior to the hearing on this Motion. Said "earnest money" deposit must be in cash, cashier's check, or certified check payable to the order of the Debtors no later than three (3) business days prior to the hearing on this Motion.

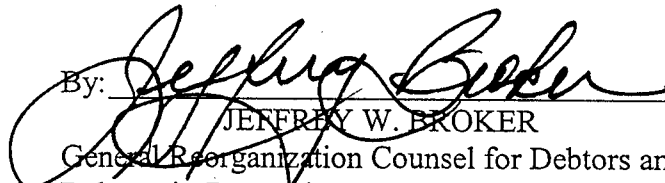
PLEASE TAKE FURTHER NOTICE THAT IF YOU DO NOT OPPOSE THE RELIEF REQUESTED IN THE MOTION DESCRIBED ABOVE, YOU NEED TAKE NO FURTHER ACTION. HOWEVER, IF YOU OBJECT TO THE RELIEF REQUESTED IN THE MOTION, PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1(a)(7), EACH INTERESTED PARTY RESPONDING TO THE MOTION SHALL, NOT LATER THAN FOURTEEN (14) DAYS PRIOR TO THE DATE SCHEDULED FOR THE HEARING ON THE MOTION, FILE WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT LOCATED AT LOCATED AT 3420 TWELFTH STREET, FIRST FLOOR, RIVERSIDE, CALIFORNIA 92501, EITHER (1) A BRIEF, BUT COMPLETE WRITTEN STATEMENT OF ALL REASONS IN OPPOSITION THERETO OR IN SUPPORT OR JOINDER THEREOF AND AN ANSWERING MEMORANDUM OF POINTS AND AUTHORITIES, DECLARATIONS AND COPIES OF ALL PHOTOGRAPHS AND DOCUMENTARY EVIDENCE UPON WHICH THE RESPONDING PARTY INTENDS TO RELY; OR (2) A WRITTEN STATEMENT THAT THE MOTION WILL NOT BE OPPOSED.

PLEASE TAKE FURTHER NOTICE THAT ANY PARTY OPPOSING THE MOTION MUST SERVE A COPY OF SUCH WRITTEN OPPOSITION TO THE MOTION AND ALL SUPPORTING PAPERS UPON THE COUNSEL FOR THE MOVING PARTY AT THE ADDRESSES INDICATED IN THE UPPER LEFT HAND CORNER OF THE FIRST PAGE OF THIS MOTION, AND ALSO UPON THE OFFICE OF THE UNITED STATES TRUSTEE, LOCATED AT 3685 MAIN STREET, SUITE 300, RIVERSIDE, CALIFORNIA 92501. THE FAILURE TO TIMELY FILE AND SERVE ANY SUCH OPPOSITION AND ALL SUPPORTING PAPERS MAY BE DEEMED BY THE COURT TO CONSTITUTE CONSENT TO THE RELIEF REQUESTED IN THE MOTION PURSUANT TO LOCAL BANKRUPTCY RULE 9013-1(a)(11).

Dated: July 20, 2004

BROKER & ASSOCIATES  
PROFESSIONAL CORPORATION

By: \_\_\_\_\_

  
JEFFREY W. BROKER  
General Reorganization Counsel for Debtors and  
Debtors-in-Possession

Date Served: July 20 2004

PROOF OF SERVICE  
1013A (3) CCP

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18191 Von Karman Avenue, Suite 470, Irvine, California 92612-7114

On July 20, 2004, I served the document(s) named below on the parties in this action as follows:

DOCUMENT(S) SERVED: NOTICE TO CREDITORS AND PARTIES IN INTEREST OF DEBTORS' MOTION FOR ORDER AUTHORIZING: (1) SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS, WITH LIENS TO ATTACH TO SALE PROCEEDS; (2) OVERBID PROCEDURE; (3) DISTRIBUTION OF SALE PROCEEDS, INCLUDING PAYMENT OF SALES COMMISSIONS; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATIONS OF JEFFREY BENNETT AND TOM DAY IN SUPPORT THEREOF [BRECKENRIDGE PROPERTY]

SERVED UPON: [SEE ATTACHED SERVICE LIST]

☒ (BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Irvine, California. I am readily familiar with the practice of the firm for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing as set forth in this affidavit.

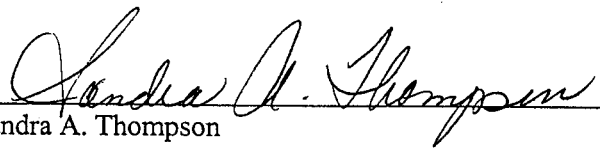
☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand on the same date.

☐ (BY OVERNIGHT MAIL) I am readily familiar with the practice of the firm for the collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

☐ (BY FACSIMILE) The above-referenced document(s) was transmitted by facsimile transmission (as indicated) and the transmission was reported as complete and without error.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at whose direction this service was made.

Executed on July 20, 2004, at Irvine, California.

  
Sandra A. Thompson

Debtors

Jeffrey Bennett  
Nan Easley-Bennett  
3131 Garretson Avenue  
Corona, CA 92881

Office of the U.S. Trustee  
Attn: Timothy J. Farris, Esq.  
3685 Main Street, Ste. 300  
Riverside, CA 92501

Amy Accountancy  
Attn: Corporate Officer  
501 N. Golden Circle #100  
Santa Ana, CA 92705

City National Bank  
Attn: Corporate Officer  
P.O. Box 60938  
Los Angeles, CA 90060

Dick Larsen  
Tax Collector  
172 W. Third Street, 1<sup>st</sup> Floor  
San Bernardino, CA 92415

Greenberg & Traurig  
Attn: Corporate Officer  
2450 Colorado Avenue, #400 E  
Santa Monica, CA 90404

Holme Roberts & Owens LLP  
Attn: Corporate Officer  
1700 Lincoln Street  
Denver, Colorado 80203

Nancy Bennett-Cowie  
10 Country Walk Drive  
Aliso Viejo, CA 92626

Paul McDonnell  
Riverside County Treasurer  
P.O. Box 12010  
Riverside, CA 92502

Union Bank of California  
Attn: Corporate Officer  
P.O. Box 85643  
San Diego, CA 92186

McQueen & Ashman  
Attn: Corporate Officer  
19900 MacArthur Blvd., #1150  
Irvine, CA 92612

GE Capital/Bombardier  
Attn: Corporate Officer  
101 N. Tyron Street, 5<sup>th</sup> Floor  
Charlotte, NC 28255

GE Capital/Bombardier  
Attn: Corporate Officer  
44-H Old Ridgebury Road  
Danbury, CT 06810

Irell & Manella LLP  
Attn: Corporate Officer  
840 Newport Beach Center Drive #400  
Newport Beach, CA 92660

Jeffer, Mangels, Butler & Marmaro  
Attn: John Graham, Esq.  
1900 Avenue of the Stars, 7<sup>th</sup> Floor  
Los Angeles, CA 90067

Lane, Powell, Spears & Lubersky  
Attn: Corporate Officer  
1420 Fifth Avenue, #4100  
Seattle, WA 98101

Larry R. Day  
Empire Companies  
3536 Concourse Street, Ste. 300  
Ontario, CA 91764

Bud Gordon  
5396 Ohio Street  
Yorba Linda, CA 92886

PACE LLC  
760 E. Parkridge Avenue  
Corona, CA 92879.

Jim Previti  
Empire Companies  
3536 Concourse Street, Ste. 300  
Ontario, CA 91764

Prenett Air Charter, LLC.  
760 E. Parkridge Avenue  
Corona, CA 92879

TAZ Charter Service, LLC.  
760 E. Parkridge Avenue  
Corona, CA 92879

Audi Financial Services  
Attn: Corporate Officer  
P.O. Box 3  
Hillsboro, OR 97123-0003

Southpac Trust International Inc.  
P.O. Box 11 – ANZ House, Main Road  
Avarua, Rarotonga  
COOK ISLANDS

Capital Mortgage Limited  
P.O. Box 11 – ANZ House, Main Road  
Avarua, Rarotonga  
COOK ISLANDS

Daniel Voelker, Esq.  
Freeborn and Peters  
311 S. Wacker Drive, Ste. 3000  
Chicago, IL 60606

Rose Gordon  
c/o Robert W. Nelms, Esq.  
Cannon & Nelms, P.C.  
1800 E. 17<sup>th</sup> Street, Ste. 101  
Santa Ana, CA 92705

Arthur Gordon  
c/o Robert W. Nelms, Esq.  
Cannon & Nelms, P.C.  
1800 E. 17<sup>th</sup> Street, Ste. 101  
Santa Ana, CA 92705

Heller Financial Leasing  
c/o Vedder, Price, (Attn. R. Lending)  
222 N. LaSalle St., Ste. 2600  
Chicago, IL 60601-1003

Wells Fargo Home Mortgage  
Attn: Corporate Officer  
P.O. Box 10335  
Des Moines, Iowa 50306-0335

Attys for Bell Leasing/Corp.Capital  
Eric Jackson, Esq.  
Jackson White  
40 N. Center  
Mesa, AZ 85201

Attys for Bombardier  
Sidley Austin Brown & Wood LLP  
Attn: Sally Neeley, Esq.  
555 W. Fifth Street  
Los Angeles, CA 90013

Peter Arnold  
Arnold Commercial Property  
610 Newport Center Dr., Ste. 800  
Newport Beach, CA 02660

Peter Arnold  
~~3063 Rivoli~~  
~~Newport Beach, CA 92660~~  
**1/13/04 RETURNED Forwarding**  
**Order Expired**

Peter Arnold  
~~c/o Arnold Commercial Property~~  
~~1601 Dove Street, Ste. 205~~  
~~Newport Beach, CA 92660~~  
**1/29/04 NEW ADDRESS**

Bombardier/c/o K. Puhala, Esq.  
~~Schnader Harrison Segal & Lewis~~  
~~140 Broadway, Ste. 3100~~  
~~New York, NY 10005-1101~~  
**4/2/04 DO NOT REPRESENT CREDITOR**

**SPECIAL NOTICE**

Attys for US Bancorp Equipment

David J. McCarty, Esq.  
Sheppard, Mullin, Richter & Hampton  
333 So. Hope St., 48<sup>th</sup> Floor  
Los Angeles, CA 90071-1448

Attys for VW Credit, Inc.

Hilary B. Bonial, Esq.  
Brice, Vander Linden & Wernick, PC  
9441 LBJ Freeway, Suite 350  
Dallas, TX 75243

Attys for Bombardier Capital, Inc.

Mark T. Flewelling, Esq.  
Anglin, Flewelling, Rasmussen, et al.  
199 South Los Robles Ave., Suite 600  
Pasadena, CA 91101

Attys for Bell Leasing

~~Roger R. Foote, Esq.~~  
~~Jackson White~~  
~~40 North Center Dr., Suite 200~~  
~~Mesa, AZ 85201~~  
4/6/04 Withdrew Request

Attys for General Electric Capital

Robert C. Shenfeld, Esq.  
Reed Smith Crosby Heafey LLP  
355 S. Grand Avenue, Suite 2900  
Los Angeles, CA 90071

Attys for Greenberg Taurig

Raymond B. Kim, Esq.  
Greenberg Taurig, LLP  
2450 Colorado Ave., Suite 300 East  
Santa Monica, CA 90404

Attys for Wells Fargo Home Mtg.

Teresa R. Stephens, Esq.  
McCalla Raymer Padrick Cobb, et al.  
1544 Old Alabama Road  
Roswell, GA 30076-2102

Attys for Gordon Auto Group

Robert W. Nelms, Esq.  
Cannon & Nelms, PC  
1800 E. 17<sup>th</sup> Street, Ste. 101  
Santa Ana, CA 92705

Attys for Bell Leasing

~~Mark C. Schnitzer, Esq.~~  
~~Reid & Hellyer~~  
~~3880 Lemon St., 5<sup>th</sup> Floor~~  
~~Riverside, CA 92501~~  
4/6/04 Withdrew Request

Attys. for City Nat'l. Bank

John A. Graham, Esq.  
Jeffer, Mangels, Butler & Marmaro, LLP  
1900 Avenue of the Stars, Seventh Flr.  
Los Angeles, CA 90067

Attys for Irell & Manella

Jeffrey M. Reisner, Esq.  
Irell & Manella  
840 Newport Center Drive, Ste. 400  
Newport Beach, CA 92660-6324

Attys for Learjet Inc

Sally Neely, Esq.  
Sidley Austin Brown & Wood LLP  
555 W. Fifth Street, Suite 4000  
Los Angeles, CA 90013-1010

Attys for James Previti

Karen Rinehart, Esq.  
O'Melveny & Meyers LLP  
400 S. Hope Street  
Los Angeles, CA 90071

Attys for Gordon Auto Group

~~James P. Barone, Esq.~~  
~~One Corporate Plaza, Suite 110~~  
~~Newport Beach, CA 92660~~  
Withdrew



**PROOF OF SERVICE**  
1013A (3) CCP

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18191 Von Karman Avenue, Suite 470, Irvine, California 92612-7114

On July 20, 2004, I served the document(s) named below on the parties in this action as follows:

**DOCUMENT(S) SERVED: NOTICE OF SALE**

**SERVED UPON:**

Office of the U.S. Trustee  
Attn: Timothy J. Farris, Esq.  
3685 Main Street, Ste. 300  
Riverside, CA 92501

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☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at whose direction this service was made.

Executed on July 22, 2004, at Irvine, California.

  
Sandra A. Thompson